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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,566	11/01/2001	Chana L. Weaver	5603USA	3780

30173 7590 07/17/2007
GENERAL MILLS, INC.
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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/002,566	WEAVER ET AL.	
	Examiner	Art Unit	
	Akiba K. Robinson-Boyce	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8, 10-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8, 10-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

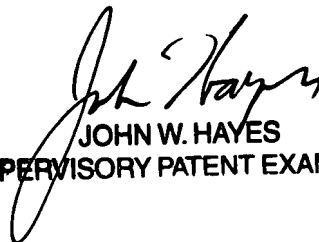
1. In view of the **Appeal Brief** filed on **3/21/07**, PROSECUTION IS HEREBY REOPENED. **A new ground of rejection is set forth below.**

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Status of Claims

2. Due to communications filed 3/21/07, the following is a non-final office action. Claims 1-4, 9 and 14 are cancelled. Claims 5-8, 10-13 and 15-20 are pending in this application, have been examined on the merits, and are rejected as follows.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 recites the limitation "the intended end user" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 5-8, 10, 12, 15, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 2002/0082900 A1).

As per claim 6, Johnson discloses:

obtaining data from plural data sources including a consumer purchase tracking data set and a demographics data set, (Abstract, collecting market research and user trend data, w/ [0004], shows marketing data includes demographics);

using automated analysis to analyze at least a portion of said obtained data, ([0025], analyze program output ; and

providing an integrated category management report based at least in part on said analysis, said integrated category management report being a targeted opportunity assessment and market analysis at least partially customized for the intended end user, ([0037]-[0043], shows marketing and trend data in the form of a report, w/ [0033], solvent project/output of a web page can be generated for *each type* of solvent system).

As per claims 5/10, Johnson discloses:

dynamically including or excluding further detailed information from said report depending on whether additional analysis results are available/further including dynamically including or excluding further detailed information from said integrated category management report depending on whether additional analysis results are available, (Fig. 6, sheet 8, shows quantity can only be modified to an equal or lesser amount that was originally purchased, therefore, the features of these claims are inherent since in order to additionally modify, additional purchases must be made, and therefore additional analysis must have taken place).

As per claim 7, Johnson discloses:

delivering said report at least in part over a network, ([0037], email, w/abstract, internet).

As per claim 8, Johnson discloses:

wherein said integrated category management report includes interactive fields that can call up additional information, (Fig. 6, sheet 8, shows quantity can be modified by supplier).

As per claim 12, Johnson discloses:

wherein said network is the Internet, (abstract, Internet).

As per claim 15, Johnson discloses:

wherein said integrated category management report includes a pricing suggestion for at least one product, ([0065], price quote).

As per claim 18, Johnson discloses:

wherein said integrated category management report includes at least one report segment selected from the group consisting of *consumer assessment*, category assessment, pricing analysis, promotion analysis, placement analysis, and product assortment analysis, ([0038], view users who have accessed module for solvent selection).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 11, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0082900 A1), as applied to claim 6 above, and further in view of Dippold, (US 2002/0133479 A1).

As per claim 11, Johnson does not specifically disclose the following, but does disclose analysis of a category of product such as solvents over time as shown in [0025].

However, Dippold discloses:

further including providing a score card that tracks said category management over time, (Page 3, paragraph [0033], lines 1-15, scoring rules used to choose a final category). Dippold discloses this limitation in an analogous art for the purpose of showing that categories are selected according to a scoring system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a score card that tracks said category management over time with the motivation of keeping record of the management of categories.

As per claim 20, Johnson does not specifically disclose the following, but does disclose implementation of agricultural products in claim 5.

However, Dippold discloses:

wherein at least one of said data sets relates to cereal, (paragraph 0005, lines 1-3, breakfast cereals). Dippold discloses this limitation in an analogous art for the purpose of showing that cereals are included in category groups.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for at least one of said data sets to relate to cereal with the motivation of showing that food products can also be categorized and managed.

8. Claims 13, 16, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0082900 A1), as applied to claim 6 above, and further in view of McConnell et al, (US 2001/0049690 A1).

As per claim 13, Johnson fails to disclose wherein said network is a local area network but does disclose implementing the system over the Internet, which is also an area network in the Abstract.

However, McConnell et al discloses:

wherein said network is a local area network, ([0070], LAN) McConnell et al discloses this limitation with the motivation of showing that the monitoring/tracking of sales can be done over a local area network.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the network to be a local area network with the motivation of tracking products locally.

As per claims 16/17, Johnson fails to disclose the following, but does disclose product recommendations in [0025].

However, McConnell et al discloses:

Wherein said integrated category management report includes at least one suggestion for improving the sales of at least one product, (paragraphs [0199]-[0205], shows an attribute set that identifies when stock outs are excessive, and therefore

periods of high seasonal sales are present, in this case an attempt to match attributes with these types of events take place in order to keep high sales, thereby changing distribution values, esp. [0025], shows product recommendations to alleviate items not selling). McConnell et al discloses this limitation in analogous art for the purpose of showing that distribution values can be changed as a result of a need to keep sales at a high level all year round.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to make at least one suggestion for improving the sales of at least one product/a category of products with the motivation of moving products through a market environment.

As per claim 19, Johnson fails to disclose wherein said data sources further include at least one planogram, but does disclose the generation of product information in [0022].

However, McConnell et al discloses:

wherein said data sources further include at least one planogram, (Page 24, Col. 1, lines 4-8 [claim 47], shows at least one planogram type is used in conjunction with correlating items). McConnell et al discloses this limitation in an analogous art for the purpose of showing that planograms, which is no more than a diagram of a product display that can be used in conjunction with monitoring or tracking sales).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include at least one planogram with the motivation of using a diagram of a product display to manage products.

Response to Arguments

9. Applicant's arguments with respect to claims 5-8, 10-13 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
July 9, 2007